REMARKS

Claims 1-15 remain in the application. No new subject matter has been added with these amendments.

A. 35 U.S.C. § 102(a)

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Palmans- Claims 1-15

Independent claims 1-15 stand rejected under 35 U.S.C. § 102(a) as being anticipated by the U.S. Patent issued to Palmans, et al. (hereinafter "Palman") (Office Action, page 2). The Office relies on Palmans for a teaching of a non-continuous metal layer. However, Palmans does not disclose forming a non-continuous the metal layer, as do independent claims 1 and 9 of the present invention, as described in the previous response to the Office.

Furthermore, Palmans does not disclose activating at least one of a non-deposited region within the recess, as do claims 1 and 9. Palmans only discloses activating the barrier metal (col. 6, lines 58-67). Therefore, since Palmans does not teach or suggest all of the limitations of independent claims 1 and 9, from which claims 2-8 and 10-14 depend, it is respectfully submitted that claims 1-15 are not anticipated by Palmans. Since the dependent claims are not anticipated for at least the same reasons as the independent claims from which they depend, the

dependent claims will not be addressed at this time. Thus, reconsideration and withdrawal of the Section 102(a) rejection of claims 1-15 is respectfully requested.

B. 35 U.S.C. § 103(a)

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Shelnut in view of Palmans-Claims 1-15

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shelnut in view of Palmans. The Office contends it would have been obvious to activate the non-continuous metal of Shelman by incorporating the method of Palmans (to which the Applicants do not concede).

However, independent claims 1 and 9 contain the limitation of activating at least one of a non-deposited region within the recess, as described above. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." In *re Royka*, 490 F.2d 981,180 USPQ 580 (CCPA 1974). Because neither Palmans nor Shelnut teach nor even suggest the limitations of claims 1 and 9, from which claims 2-8 and 10-14 depend, claims 1-15 are not rendered obvious by either Palmans or Shelnut. Since the dependent claims are not rendered obvious for at least the same reasons as the independent

claims from which they depend, the dependent claims will not be addressed at this time. Thus, reconsideration and withdrawal of the Section 103(a) rejection of claims 1-15 is respectfully requested.

In view of the foregoing remarks, the Applicants request allowance of the application. Please forward further communications to the address of record. If the Examiner needs to contact the below-signed Attorney to further the prosecution of the application, the contact number is (480) 715-5488.

Respectfully submitted,

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